

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

KAHALA FRANCHISE CORPORATION)
A Delaware corporation,)
Plaintiff,)
vs.) Case No. 08 CV 4750
NABIL MAKHAMREH, Individually,) Judge: DOW, JR.
MATTHEW CHEESESTEAK, Inc.,)
an Illinois Corporation, and M & S) Magistrate: JUDGE BROWN CHEESESTEAK,
INC. , a Virginia)
corporation.)
Defendants.)

**MOTION TO EXPEDITE DISCOVERY AND SET A HEARING
ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Now Comes KAHALA FRANCHISE CORP. ("KAHALA"), by and through its attorneys, Gregory J. Ellis, Esq., Ltd., and requests that this Court: (1) expedite discovery, and (2) set a hearing on Plaintiff's Motion for Preliminary Injunction. In support of this Motion, Plaintiff states as follows:

1. On August 20, 2008, Plaintiff filed a Verified Complaint for injunctive and other relief. In this Complaint, Plaintiff alleges that Defendants are deliberately breaching the non-compete provisions of two (2) Franchise Agreements. Plaintiff further alleges that unless Defendants are preliminarily enjoined from unfairly competing with KAHALA's Great Steak and Potato franchise system, Plaintiff's goodwill and customer relationships will be irreparably injured, for which Plaintiff will have no adequate remedy at law.
2. With this Motion, Plaintiff has also filed a Motion for a Temporary Restraining Order and Preliminary Injunction. Because of the immediate threat of irreparable injury, Plaintiff is asking this Court to order Defendants to cease operating as a restaurant on the

premises in Yorktown Mall, Lombard, Illinois and then to conduct a hearing on Plaintiff's Motion for Preliminary Injunction.

3. In order to be prepared for an evidentiary hearing, Plaintiff must take certain discovery, including document requests, interrogatories and depositions.

4. In order to insure that prior to the hearing Plaintiff has all necessary information, Plaintiff asks this Court to require Defendant to answer interrogatories and produce documents within five (5) days and to submit to depositions within seven (7) days thereafter.

WHEREFORE, Plaintiff asks this Court to expedite discovery as stated above and to conduct a hearing on Plaintiff's Motion for Preliminary Injunction.

Date: August 20, 2008

Respectfully submitted,

KAHALA FRANCHISE CORP.

ss//

Gregory J. Ellis

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